Legal Assistance

1st Cav Legal Assistance Office

- Free legal advice, document preparation and counseling
- Quick access to a lawyer
- Family members need not bring their military sponsor to receive legal assistance
- Take advantage of this service!!
- Call 287-6060

Legal Assistance

Powers of Attorney Property

Notarizations Family and Domestic

Wills and Estate Planning Contracts

Appeals of Mil Admin Actions

Debts/Bankruptcy

Taxes Litigation Advice

Immigration Consumer Advocacy

Landlord/Tenant

Other Personal Legal Problems

Powers of Attorney

- General v. Special Power of Attorney
  - Special- power or authority given is limited to the specific act or acts described in the instrument.
  - General- grants broad powers and authority to the attorney-in-fact.
- The dangers of a General POA
  - Can be used for improper purposes
  - Need to be given to someone you can trust who can handle your personal business matters.

Powers of Attorney

- When Special Powers of Attorney are Necessary:
  - **Filing Taxes**
  - Housing
  - DEERS/ID Card Section
  - Finance (Stopping or changing allotments)
  - Major transactions such as sale of house

Powers of Attorney

- Revocation
  - POA should contain a specific expiration date
  - If problems arise, see a Legal Assistance Attorney for information on how to revoke the POA.

Who Needs a Power of Attorney?

- General POAs are not always needed
- Businesses are under no legal obligation to accept a POA
  - No law requires a business or individual to accept a POA; check with them first!
  - Many banks require their own signature cards
  - VA loans require use of VA POA
- Only give general POA to someone you trust!

Wills

- Purposes of will
  - pays debts
  - distributes assets
  - establishes guardian for children
  - does NOT govern distribution of SGLI

Wills

- Who needs a will?
  - soldiers with children
  - single with significant property
  - single and want distribution to someone besides parents

Deployment and Taxes

- No Taxes!!!
  - You do not owe Federal Income Tax for the months you are deployed.
  - Federal Income Tax will not be withheld from your LES– you will have use of the money immediately
  - State Income Tax?? Depends on the state, check with the Tax Center when you prepare your tax return.

Deployment and Taxes

- What if they take the taxes out?
  - Soldier needs to notify chain of command of the problem. Chain of Command will notify Rear Detachment and try to fix the problem.

Deployment and Taxes

- Filing Extension
  - You still have to file!
  - Automatic extension of about 10 months (time spent in combat zone + 180 days).
  - No special form needed.
  - If you are due a refund, you can go ahead and file. You don't have to take advantage of the extension.
  - Spouse can file with an IRS Power of Attorney.

Breaking A Lease

Q: *Can a deployed soldier break a lease?*

A: It depends on the terms of the lease. Some leases may allow the soldier to lawfully break the lease without penalty. Others may hold the soldier to the lease, exposing them to the risk of a lawsuit

TAA Lease Language

Clause 23: *“A military member may terminate his lease if he is deployed to a foreign country and is not continuing to receive quarters allowance [i.e. lodging allowances].”*

Breaking Leases

- Texas Apartment Assoc. (TAA) is predominant type of lease near Ft Hood. (80%).
- Requires deployment orders *AND* termination of BAH to lawfully break lease.
- Soldier entitled to BAH during deployment as long as they remain married or required to pay child support. (DoDPM, 37 U.S.C.)
- PCS orders also break lease.
- Landlord may voluntarily let soldier out of lease.

Breaking Leases

- Soldier may be near end of lease, permitting them to renew or terminate lease on month-to-month basis.
- Negotiation with landlord may create favorable results.

Breaking Leases during deployment

- Single soldier, no deps or child support* Y
- Single soldier, pays child support* Y
- Single parent receiving BAH w/ dep R
- Married soldier renting off-post R
- Landlord agrees to let soldier out of lease G
- Soldier in government quarters ** G

***soldier goes to bottom of housing list*

Questions?

- Contact the Legal Assistance Office at 287-6060
- See the JAG Attorney if one is deployed with you.